



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/833,842	04/10/97	KAESEMEYER	W 97-092-US

FREDERICK H COLER  
REED SMITH SHAW & MCCLAY  
PO BOX 488  
PITTSBURGH PA 15230

HM42/0804

EXAMINER

JONES, D

ART UNIT	PAPER NUMBER
----------	--------------

1614

DATE MAILED: 08/04/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/833,842**

Applicant(s)  
**Kaesemeyer**

Examiner  
**Dwayne C. Jones**

Group Art Unit  
**1614**



☒ Responsive to communication(s) filed on 8 May 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 and 13-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 and 13-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1614

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-11 and 13-19 are pending.
2. Claims 1-11 and 13-19 are rejected.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11 and 13-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

4. The Information Disclosure Statement filed May 18, 1998 has been reviewed and considered, see enclosed copy of PTO FORM 1449.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

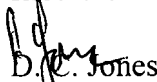
Art Unit: 1614

6. Claims 1-11 and 13-19 rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Cooke et al. in view of Pitt et al. Cooke et al. teach that the administration of arginine improves endothelium-dependent vasorelaxation which is associated with a reduction in atherogenesis, (see abstract). Pitt et al. teach that pravastatin reduces the progression of coronary atherosclerosis, (see abstract). Both of these prior art references teach the skilled artisan of the reduction of atherosclerosis with the administration of arginine and pravastatin. Accordingly, it would have been obvious to one having ordinary skill in the art to combine the administration of arginine and pravastatin in order to combat the deleterious effects or reduce the atherosclerosis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to d. >c Jones whose telephone number is (703) 308-4634. The examiner can normally be reached on Mondays through Fridays from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Cintins, can be reached on (703) 308-4725. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

  
D.C. Jones  
August 3, 1998